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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,114	01/16/2001	Freddie Lin	2008.003	3635
1054	7590	10/21/2004	EXAMINER	
LEONARD TACHNER, A PROFESSIONAL LAW CORPORATION 17961 SKY PARK CIRCLE, SUITE 38-E IRVINE, CA 92614			SENFI, BEHROOZ M	
			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/761,114	LIN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Behrooz Senfi	2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-44 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>4</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to under 37 CFR 1.75(c), as being of improper dependent form. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 – 31 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al (US 5,892,535).

Regarding claim 1, Allen '535 discloses, "apparatus for transmitting video data across a network" (i.e. figs. 2 and 24), and "a video input that receives a video signal" (i.e. fig. 24), and "a video predictive coding module coupled to the video input ..... " (i.e. fig. 24, video encoder 2402, MPEG2, which is predictive coding method", and "a network interface coupled to the video predictive coding module ..... " (i.e. fig. 2, 206a-206c).

Regarding claims 2 – 3, 10 – 11, 19 – 22 and 26 - 28, Allen '535 discloses, "Ethernet network" (i.e. col. 29, lines 43 – 53), and "delay module and subtraction module in claim 3" reads on (MPEG-2, memory module and subtractor).

Regarding claims 4 – 6 and 12 - 15, Allen '535 discloses, "line buffer ..... " (i.e. fig. 6, 614, col. 11, lines 9 – 10), and "a timing control module in claim 5" reads on (i.e. fig. 24, 2406 and 2426, col. 7, lines 45 – 57), and "channel allocation module in claim 6" reads on (i.e. fig. 2, 212a – 212c).

Regarding claims 7 – 8, 16 – 17, 23 – 24 and 29 - 31, Allen '535 discloses, "analog to digital converter, A/D" (i.e. col. 4, lines 10), "one line comprising plurality of pixels in claim 8" reads on (col. 26, lines 18 – 20), and "digital to analog in claim 16" (i.e. col. 26, lines 47), and "synchronization" reads on (col. 16, lines 45+).

Regarding claims 9, 18, 25 the limitations claimed are substantially similar to claim 1; therefore the ground for rejecting claim 1 also applies here. As for "video output in claim 18" please see (i.e. fig. 24, col. 4, lines 49 – 50).

Regarding claim 44, Allen '535 discloses, "a coding module that performs predictive coding" (i.e. fig. 24, 2402, MPEG is predictive coding method and Allen discloses MPEG2), and "a decoding module ..... " (i.e. fig. 24, 2430), and "allocation module that reserves a path across a network" reads on (request program, VOD, col. 9, lines 24+).

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***Claim Rejections - 35 USC § 103***

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4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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5. Claims 32 – 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al (US 5,892,535) in view of Zhang et al (US 6,181,711).

Regarding claim 32, Allen '535 teaches, "switching multimedia data over network" and "transmission of video and audio data across a network" (i.e. figs. 2, 5 and 24, col. 16, lines 45 – 60). Allen '535 teaches distribution network interface for different channels, which would consider the bandwidth of the channel network, but fails to explicitly teach, "channel allocation priority". However, such features are well known and used in prior art of the record as evidenced by Zhang '711 (i.e. col. 15, lines 12 – 31) wherein teaches determining the priority for channel usage. Taking the combined teaching of Allen '535 and Zhang '711 as a whole, it would have been obvious to one skilled in the art at the time of the invention was made to improve the distributing media system of Allen as taught by Zhang to convert a bit stream of a given bit rate to a different bit rate for reliable transport over communication channels with smaller delay (col. 4, lines 12 – 22 of Zhang).

Regarding claims 33 – 37 and 40 - 41 combination of Allen '535 and Zhang '711 teaches, "fast-Ethernet" (i.e. col. 4, lines 43 – 50 and col. 20, lines 15 – 22 of Allen) and "delaying the second signal" (col. 50, lines 21 – 27 of Allen), also in synchronization process, delaying the signals for synchronization purpose are obvious and known to one skilled in the art, and "packet in claim 37" reads on (fig. 22 – 24 of Allen).

Regarding claim 38, combination of Allen '535 and Zhang '711 teaches, "a video predictive coding" (i.e. fig. 24, video encoder 2402, MPEG2, which is predictive coding method".

Regarding claim 39, the limitations claimed are substantially similar to claim 32; therefore the ground for rejecting claim 32 also applies here.

Regarding claims 42 – 43, “delay module and subtraction module” reads on MPEG-2, memory module and subtractor), and the “decoding process in claim 43” reads on (i.e. fig. 24, 2430 of Allen and fig. 1a, 20, 22 of Zhang).

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(703)305-0132**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chris Kelley** can be reached on **(703)305-4856**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

**(703) 872-9314**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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B. S. B. S.

10/12/2004

  
CHRIS KELLEY  
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